

Central Services
Joan Araujo, Director

Engineering Services
James O'Tousa, Director

Roads & Transportation
Anitha Balan, Director

Water & Sanitation
Vacant, Director

Watershed Protection
Vacant, Director

June 4, 2024

Board of Supervisors, County of Ventura
Board of Supervisors, Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Approve, on Behalf of the County of Ventura (County) and the Ventura County Watershed Protection District (District), Amendment No. 1 to the Memorandum of Agreement (MOA) Among the City of Thousand Oaks, County, and District to Provide Equal Cost Sharing to Fund Implementation of Total Maximum Daily Loads in Upper Malibu Creek Watershed; Authorize the County Public Works Agency Director and the District Director to Execute Amendment No. 1 and to Extend the Term and Make Limited Amendments to the MOA. Project Nos. P6040517 and P6010479; Watershed Protection District Zone 4; Supervisorial District No. 2.**

Recommendations:

1. Approve and authorize the Ventura County Public Works Agency (PWA) Director or designee to sign Amendment No. 1 to the Memorandum of Agreement Among the City of Thousand Oaks, County of Ventura (County), and Ventura County Watershed Protection District (District) to Provide Equal Cost Sharing to Fund Implementation of Total Maximum Daily Loads in Upper Malibu Creek Watershed (MOA). [Project No. P6040517]
2. Approve, and authorize the District Director or designee to sign, Amendment No. 1 to the MOA. [Project No. P6010479]
3. Authorize the PWA Director, the District Director, or their designees, to amend the MOA to make corrections, clarifications, and non-substantive changes provided any amendment is consistent with the original purpose of the MOA, does not result in additional costs to the County or the District, and is reviewed and approved as to form by County Counsel.
4. Authorize the PWA Director, the District Director, or their designees, to extend the term of the MOA, two times, for a period up to three years each time, provided any extension is consistent with the original purpose of the MOA, does not exceed in any County or District annual budget amount



specified in Exhibit 4, and is reviewed and approved as to form by County Counsel.

Fiscal/Mandates Impact:

Mandatory: Yes
Cite Authority: Section 402 (p) of the Clean Water Act and State of California, California Regional Water Quality Control Board, Los Angeles Region (Regional Board) Resolution No. 2004-019R Bacteria TMDL, Resolution No. 2008-007 Trash TMDL, and Resolution No. R16-009 Nutrients and Sedimentation TMDL
Source of Funding: Malibu Creek Watershed TMDL Stakeholder Group, County Stormwater Program Fund S130, and Watershed Protection District Fund S740
Funding Match Required: N/A
Impact on Other Department(s): None

County of Ventura- County Stormwater Program

Summary of Revenue and Total Costs:

	<u>FY 2023-24</u>		<u>FY 2024-25 through FY2026 -27</u>	
Revenue:	\$	0	\$	422,404
Costs:				
Direct	\$	0	\$	655,606
Indirect –Agency/Dept.	\$	0	\$	0
Indirect – County CAP	\$	0	\$	0
Total Costs	\$	0	\$	655,606
Net Costs	\$	0	\$	233,202
Recovered Indirect Costs	\$	0	\$	0

Current FY 2023-24 Budget Projections for County Stormwater Program – Unit 4095				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$2,400,300	\$2,998,336	\$2,140,300	\$ 858,036
Revenue	\$1,727,700	\$1,727,700	\$2,422,700	\$ 695,000
Net Cost	\$672,600	\$1,270,636	(\$282,400)	\$1,553,036



Sufficient appropriations and revenue are available in the FY 2023-24 County Stormwater Program Projected Budget. FY 2024-25 through FY 2026-27 Budgets will include sufficient revenue and appropriations, as appropriate.

**Ventura County Watershed Protection District
Summary of Revenue and Total Costs:**

	<u>FY 2023-24</u>	<u>FY 2024-25 through FY2026-27</u>
Revenue:	\$ 0	\$ 0
Costs:		
Direct	\$ 0	\$ 233,202
Indirect –Agency/Dept.	\$ 0	\$ 0
Indirect – County CAP	\$ 0	\$ 0
Total Costs	\$ 0	\$ 233,202
Net Costs	\$ 0	\$ 233,202
Recovered Indirect Costs	\$ 0	\$ 0

Current FY 2023-24 Budget Projections for Watershed Protection Zone 4 – Unit 4242				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$114,600	\$114,600	\$146,600	(\$32,000)
Revenue	\$ 85,900	\$ 85,900	\$106,900	\$21,000
Net Cost	\$28,700	\$28,700	\$39,700	(\$11,000)

Sufficient appropriations are available in the FY 2023-24 Watershed Protection Zone 4 Projected Budget. FY 2024-25 through FY 2026-27 Budgets will include sufficient appropriations, as appropriate.

Discussion:

Total maximum daily loads (TMDLs) are action plans to restore clean water by defining how much of a pollutant a water body can tolerate and meet water quality standards. In 2004 and 2008, respectively, the Los Angeles Regional Water Quality Control Board (RWQCB) amended the Water Quality Control Plan for the Los Angeles Region to incorporate bacteria and trash TMDLs for the Malibu Creek Watershed (MCW). The bacteria and trash TMDLs came into effect on January 24, 2006, and July 7, 2009, respectively. Vicinity and location maps are included in Exhibits 1 and 2. In addition, the RWQCB adopted an implementation plan for nutrient and sedimentation TMDLs for the MCW on May 16, 2017.



In the Upper MCW within Ventura County, the RWQCB listed the City of Thousand Oaks (City), County of Ventura (County), and Ventura County Watershed Protection District (District) as the parties responsible to conduct water quality monitoring and reporting and for to conduct implementation actions required by the TMDLs. In July 2021, the City, County, and District entered into a memorandum of agreement (MOA) for the implementation and funding of these TMDLs administration (Exhibit 3). That MOA expires on June 30, 2024. The City, County, and District wish to extend the term of the MOA to continue to cooperatively conduct the required monitoring, reporting, and implementation activities and to equally share the costs of administering the TMDLs.

The proposed Amendment No. 1 (Exhibit 4) would extend the term of the MOA for three years and would commit each party to paying an equal share (i.e., 33.33%) of the cost for TMDL monitoring, reporting, and conducting of implementation actions. The cost per party is estimated not to exceed \$74,779.10 in FY 2024-25, \$77,484.00 in FY 2025-26, and \$80,938.75 in FY 2026-27. During the term of the MOA, the County has agreed to act as the MOA Lead Agency with fiscal responsibilities. The total cost includes a 2% administration fee for the County to act as the MOA Lead Agency.

Strategic Plan:


This item contributes to the Board of Supervisors' 2024-2027 strategic priority to provide:

- I. Reliable infrastructure and sustainability through
 3. Investing in sustainable infrastructure, renewable energy, and preservation of our natural resources.

This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions regarding this item, please call Hayley Luna, County Stormwater Program Manager, at 662-6737 or the undersigned at 654-2373.

Sincerely,



David Fleisch, P.E.
Assistant Director

Attachments:

- Exhibit 1 – Upper Malibu Creek Watershed Vicinity Map
- Exhibit 2 – Malibu Creek Watershed Location Map
- Exhibit 3 – Memorandum of Agreement Among the City of Thousand Oaks, the County of Ventura, and Ventura County Watershed Protection District to Provide



Exhibit 4 – Equal Cost Sharing to Fund Implementation of Total Maximum Daily Loads in Upper Malibu Creek Watershed
First Amendment to the Memorandum of Agreement Among City of Thousand Oaks, County of Ventura, and Ventura County Watershed Protection District to Provide Equal Cost Sharing to Fund Implementation of Total Maximum Daily Loads in Upper Malibu Creek Watershed

